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12 Angelo Johnson, and Isabella Murray

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **SUNNY KHACHATRYAN**, an  
16 individual; **TATEVIK**  
17 **KHACHATRYAN**, an individual;  
18 **BRAVE ANGELO JOHNSON**, a  
minor; and **ISABELLA MURRAY**, a  
minor,

19 Plaintiffs,

20 vs.

21  
22 **1 HOTEL WEST HOLLYWOOD**,  
L.L.C.; **SH GROUP OPERATIONS**,  
23 L.L.C.; **SH GROUP GLOBAL IP**  
HOLDINGS, L.L.C; and **DOES 1**  
24 through 70, inclusive,

25 Defendants.

CASE NO. 2:23-cv-10829

**COMPLAINT FOR DAMAGES:**

1. **COPYRIGHT INFRINGEMENT;**
2. **REMOVAL OF COPYRIGHT INFORMATION;**
3. **MISAPPROPRIATION OF MINORS' LIKENESS;**
4. **VIOLATION OF CIVIL CODE SECTION 3344;**
5. **CONVERSION**
6. **VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200**
7. **CYBER NEGLIGENCE**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs Sunny Khachatryan, an individual; Tatevik Khachatryan, an  
 2 individual; Brave Angelo Johnson, a minor; and Isabella Murray, a minor  
 3 (collectively “Plaintiffs”), by and through their undersigned counsel, bring this  
 4 Complaint against Defendants 1 Hotel West Hollywood L.L.C.; SH Group  
 5 Operations, L.L.C.; and SH Group Global IP Holdings, L.L.C. (collectively, the  
 6 “Defendants”), for damages and injunctive relief, and in support thereof state as  
 7 follows:

## 8 I.

### 9 INTRODUCTION AND PARTIES

10 1. Plaintiffs Sunny Khachatryan, an individual (“S. Khachatryan”); Tatevik  
 11 Khachatryan, an individual (“T. Khachatryan”); Brave Angelo Johnson, a minor,  
 12 (“Brave”); and Isabella Murray, a minor (“Isabella” and together with Brave, the  
 13 “Plaintiffs”) bring this action for violations of exclusive rights under the Copyright  
 14 Act, 17 U.S.C. § 106, to copy and distribute Plaintiffs original copyrighted Work of  
 15 authorship.

16 2. S. Khachatryan is a prominent figure in the field of mental health and is  
 17 regularly featured in magazines such as Psychology Today and CanvasRebel, and was  
 18 dubbed as a “rising star” in the Voyage MIA Magazine (February 2022 issue).

19 3. S. Khachatryan and her family are well-known figures who are closely  
 20 affiliated with the sporting world, charitable foundations, and entertainment industry  
 21 including modeling and acting.

22 4. Brave and Isabella are (i) cousins; (ii) minor children with a right to  
 23 privacy; (iii) child professional SAG models; and (iv) commercial actors.

24 5. Brave and Isabella have appeared in numerous television commercials,  
 25 print ads, and other paid commercial uses of their images and likenesses for pay. In  
 26 fact, both Brave and Isabella have recently signed modeling contracts with Adidas.

27 6. Brave and Isabella are both represented by talent agents and talent  
 28 management.

1 7. Most recently, Brave and Isabella were being considered for a multi-  
2 million-dollar hotel endorsement, and modeling contracts for several five-star hotel  
3 chains.

4 8. Defendant 1 Hotel West Hollywood L.L.C. (“1 Hotel”) is a Delaware  
5 limited liability company with a principal address of 591 West Putnam Ave,  
6 Greenwich, CT 06830. 1 Hotel can be served on its California registered agent, 1505  
7 Corporation CT Corporation, at 330 N Brand Blvd, Glendale, CA 91203.

8 9. Defendant SH Group Operations, L.L.C., (“SH”), is a Delaware limited  
9 liability company with a principal address of 591 West Putnam Ave, Greenwich, CT  
10 06830. SH can be served on its California registered agent, 1505 Corporation CT  
11 Corporation, at 330 N Brand Blvd, Glendale, CA 91203.

12 10. Defendant SH Group Global IP Holdings, L.L.C., (“IP Holdings”,  
13 collectively with SH and 1 Hotel known as the “Defendants”) is a Delaware holding  
14 company with a principal place of business at 591 West Putnam Avenue, Greenwich,  
15 Connecticut 06830.

16 11. Plaintiffs are ignorant of the true names and capacities of Defendants  
17 sued herein as Doe 1 through Doe 70, inclusive, and therefore sue these Defendants  
18 by such fictitious names. Plaintiffs will amend this Complaint to allege their true  
19 names and capacities when ascertained. Plaintiffs are informed and believe, and  
20 thereon alleges that each of the fictitiously-named Defendants are responsible in some  
21 manner for the occurrences herein alleged, and are liable for payment of damages to  
22 Plaintiffs.

## 23 II.

### 24 JURISDICTION AND VENUE

25 12. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

26 13. This Court has subject matter jurisdiction over these claims pursuant to  
27 28 U.S.C. §§ 1331, 1338(a).

28 14. Defendants are subject to personal jurisdiction in California.

15. Venue is proper in the Central District under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

### III.

#### THE COPYRIGHTED WORK AT ISSUE

16. On January 3, 2021, Plaintiffs created the photograph shown below and referred to herein as the “Work.”

17. S. Khachatryan is the sole owner of all rights, title, and interest in and to



the US copyrighted photograph titled “Cousins at the Pool in Bathrobes” (the “Copyrighted Photograph”) which was taken at 1 Hotel West Hollywood located at 8490 Sunset Blvd, West Hollywood, CA 90069.

1 18. S. Khachatryan is the owner of U.S. Copyright Registration Certificate,  
2 Registration No. VA 2-343-002. The Certificate of Registration is attached hereto as  
3 **Exhibit 1.**

4 19. On January 3, 2021, Plaintiffs posted the Work to Brave's Instagram  
5 social media account as shown above.

6 20. Plaintiffs' display of the Work on the Instagram social media page also  
7 included copyright management information ("CMI") in the form of Plaintiffs's  
8 name, "brave\_johnson" ("Attribution").

9 21. Plaintiffs' Work is protected by copyright but was not otherwise  
10 confidential, proprietary, or trade secrets. The Work in perspective, orientation,  
11 positioning, lighting, and other details is entirely original, distinctive, and unique. As  
12 such, the Work qualifies as subject matter protectable under the Copyright Act.

13 22. At all relevant times Plaintiffs were the owner of the copyrighted Work.

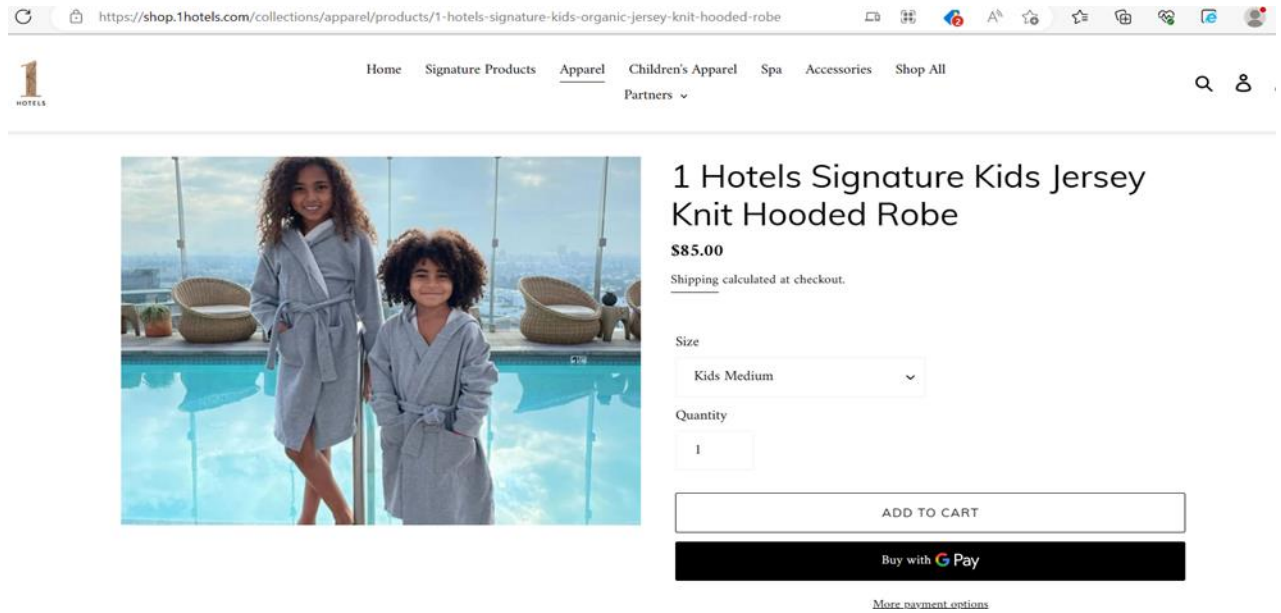
#### 14 IV.

#### 15 **INFRINGEMENT BY DEFENDANTS**

16 23. Defendants were never licensed to use the Work at issue in this action  
17 for any purpose.

18 24. On a date after the Work at issue in this action was created, but prior to  
19 the filing of this action, Defendants copied the Work.

20 25. Plaintiffs discovered the unauthorized use of the Work, on the Website  
21 at the URL [https://shop.1hotels.com/collections/apparel/products/1-hotels-signature-](https://shop.1hotels.com/collections/apparel/products/1-hotels-signature-kids-organic-jersey-knit-hooded-robe)  
22 [kids-organic-jersey-knit-hooded-robe](https://shop.1hotels.com/collections/apparel/products/1-hotels-signature-kids-organic-jersey-knit-hooded-robe), as shown below.



26. Defendants copied Plaintiffs' Work without permission, authority, or license.

27. After Defendants copied the Work, they made further copies and distributed the Work on the internet, without obtaining permission from each parent or guardian with authority, to promote the sale of goods and services as part of their hotel spa and apparel business.

28. Defendants copied and distributed Plaintiffs' copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and spa services.

29. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

30. Plaintiffs never gave Defendants permission or authority to copy, distribute, or display the Work at issue in this case.

31. Plaintiffs notified Defendants of the allegations set forth herein on May 10, 2023.

32. When Defendants copied and displayed the Work at issue in this case, Defendants purposefully and willfully removed Plaintiffs' attribution or copyright



1 management information from the Work with the intention to further disseminate and  
2 profit from the Work.

3 33. Plaintiffs never gave Defendants permission or authority to remove  
4 attribution or copyright management information from the Work.

### 5 COUNT 1

### 6 COPYRIGHT INFRINGEMENT

7 34. Plaintiffs incorporate the allegations of the above paragraphs of this  
8 Complaint as if fully set forth herein.

9 35. Plaintiffs own a valid copyright in the Work at issue in this case.

10 36. Plaintiffs registered the Work at issue in this case with the Register of  
11 Copyrights pursuant to 17 U.S.C. § 411(a).

12 37. Defendants copied, displayed, and distributed the Work at issue in this  
13 case and made derivatives of the Work without Plaintiffs's authorization in violation  
14 of 17 U.S.C. § 501.

15 38. Defendants performed the acts in the course and scope of their business  
16 activities for purposes of driving sales and generating profit, as alleged herein.

17 39. Defendants' acts were willful.

18 40. Plaintiffs have been damaged.

19 41. The harm caused to Plaintiffs has been irreparable.

### 20 COUNT II

### 21 REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

22 42. Plaintiffs incorporate the allegations of above paragraphs of this  
23 Complaint as if fully set forth herein.

24 43. The Work contains copyright management information ("CMI") in the  
25 form of Attributions to Brave Johnson's name and Instagram account.

26 44. Defendants knowingly and with the intent to enable and/or facilitate  
27 copyright infringement, displayed the Work on the Website without any of the  
28 Attributions in violation of 17 U.S.C. § 1202(b).

1 45. Defendants distributed the Work to the Website knowing that the CMI  
2 had been removed or altered without authority of the copyright owner or authority to  
3 do so under the law.

4 46. Defendants committed these acts knowing or having reasonable grounds  
5 to know that it would induce, enable, facilitate, or conceal infringement of Plaintiffs's  
6 rights in the Work.

7 47. Defendants caused, directed, and authorized others commit these acts  
8 knowing or having reasonable grounds to know that it will induce, enable, facilitate,  
9 or conceal infringement of Plaintiffs's rights in the Work at issue in this action  
10 protected under the Copyright Act.

11 48. Plaintiffs have been damaged.

12 49. The harm caused to Plaintiffs has been irreparable.

### 13 COUNT III

#### 14 MISAPPROPRIATION OF MINORS' LIKENESS

15 50. Plaintiffs incorporate the allegations of above paragraphs of this  
16 Complaint as if fully set forth herein.

17 51. Defendants' impermissible use of the Work infringed the children's  
18 rights of publicity and privacy by displaying their personally identifiable information,  
19 including but not limited to their faces, names, and likeness for commercial gain.

20 52. Plaintiffs did not consent to or authorize Defendants' use of the Work.

21 53. Defendants' unauthorized use of the Work was done for Defendants'  
22 commercial benefit.

23 54. Defendants benefitted from the unauthorized use of the Work.

24 55. This constitutes a misappropriation of the right of publicity and privacy  
25 in the form of the unauthorized commercial use of a photograph in violation of several  
26 USCA provisions, as well as state law.

27 56. Plaintiffs have been damaged.

28 57. The harm caused to Plaintiffs has been irreparable.

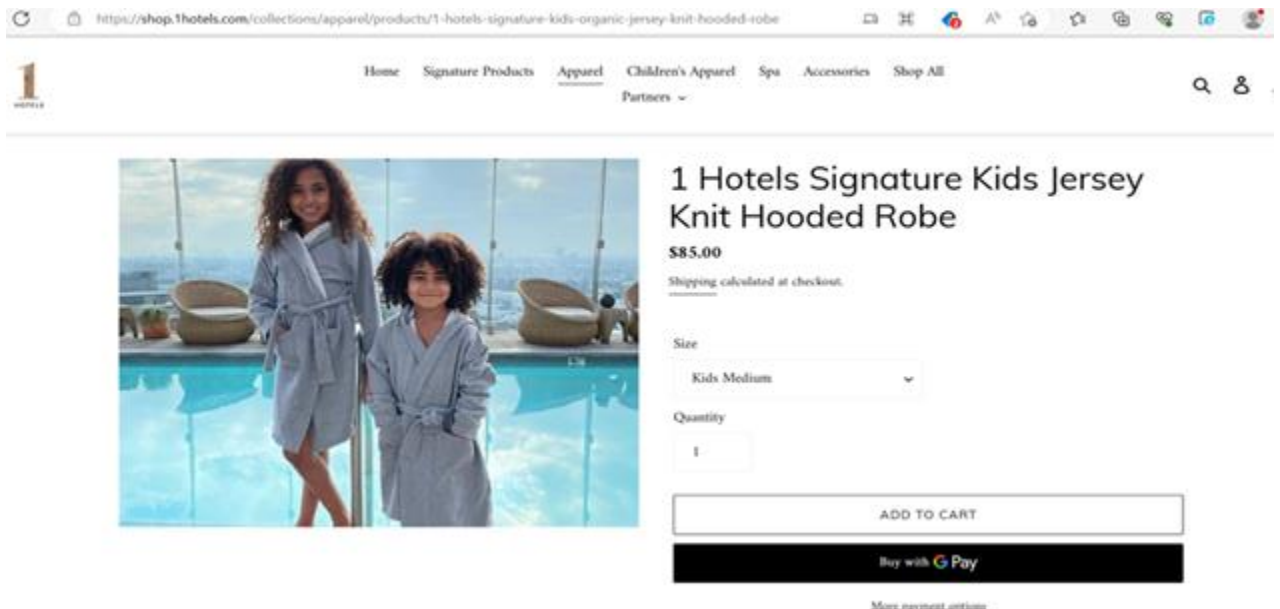


**COUNT IV****CALIFORNIA STATE PRIVACY LAW VIOLATIONS UNDER CIVIL  
CODE § 3344 – UNAUTHORIZED USE OF PHOTOGRAPH OR LIKENESS.**

58. Plaintiffs incorporate the allegations of above paragraphs of this Complaint as if fully set forth herein.

59. It is well established that California protects a natural living person's right of publicity, including a minor's right of publicity.

60. Defendants knowingly used Brave and Isabella's photograph to advertise and sell its 1 Hotels Signature Kids Jersey Knit Hooded Robe as shown below:



61. The photograph used by Defendant to sell these robes depicted both minors in a manner that they were both easily and readily identifiable.

62. Defendant did not have the prior consent of either Brave or Isabella's parents or legal guardian to use this photograph to advertise and sell its robes or any other products.

63. Defendants' knowing use of the photograph did not occur in connection with a news, public affairs, or sports broadcast or account, or in connection with a political campaign.

64. The use of Plaintiffs' photograph was directly connected to Defendants' commercial purpose.

65. Brave and Isabella have been harmed by the use of their photograph in this manner by Defendants and Defendants' conduct in using the photograph in this manner was a substantial factor in causing Plaintiffs' harm.

66. Defendants' unauthorized commercial use of Plaintiffs' name and likeness violated Cal. Civ. Code § 3344.

67. Defendants' unauthorized use does not fall within any exemption under Section 3344(d).

68. The harm caused to Plaintiffs has been irreparable.

## V.

### CONVERSION

69. Plaintiffs incorporate the allegations of above paragraphs of this Complaint as if fully set forth herein.

70. Plaintiff owns the copyright in the Work.

71. Defendants' unauthorized use of the Work is a disposition of the Work, or substantial interference with Plaintiff's ownership of the work, in a manner that is inconsistent with Plaintiff's bundle of rights, including but not limited to the publication and display of its Work.

72. Plaintiffs did not consent to Defendants' use of the Work.

73. Plaintiffs have been damaged.

74. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

75. The harm caused to Plaintiffs has been irreparable.

## VI.

### UNFAIR COMPETITION – BUSINESS AND PROFESSIONS CODE

#### SECTION 17200

76. Plaintiffs incorporate the allegations of above paragraphs of this Complaint as if fully set forth herein.

1 77. California's Unfair Competition law provides that "unfair competition  
2 shall mean and include any unlawful, unfair, or fraudulent business act or practice and  
3 unfair, deceptive, untrue or misleading advertising . . ." *Cal Bus & Prof Code* § 17200.

4 78. California Penal Code § 496(a) prohibits the obtaining of property in any  
5 manner constituting theft.

6 79. California Penal Code § 484 defines "theft" as the taking of the "personal  
7 property of another," including the taking of ". . . property which has been entrusted  
8 to him or her. . ." and/or "the defrauding of any other person of money, labor, or  
9 personal property by any false or fraudulent representation or pretense. . ."

10 80. Defendants took the Work without the Plaintiffs' consent in order to use  
11 the Work to sell Defendants' products.

12 81. The Work is the property of the Plaintiffs.

13 82. Defendants' unauthorized taking and use of the Work constitutes a  
14 violation of Penal Codes sections 496(a) and 484.

15 83. California Courts have held that copying is theft despite the owner's  
16 retention of possession of the original property, as a deprivation of property occurs  
17 when a copy is made.

18 84. Defendants' unauthorized use and publication of the Work deceives the  
19 public into thinking that Plaintiffs endorse Defendants' hotel spa business, or the  
20 apparel associated with it.

21 85. Defendants failed to give Plaintiffs any credit or attribution in  
22 Defendants' unauthorized use of the Work.

23 86. Plaintiffs have been damaged by Defendants' illegal and wrongful  
24 conduct. Defendants' unauthorized use and publication of the Work to promote its  
25 hotel spa business without payment to Plaintiffs to obtain a license or royalty  
26 prevented Plaintiffs from obtaining a contract for advertising spa apparel for children.

27 87. Plaintiffs have a property interest in their personal information.  
28

1 88. Plaintiffs have lost property value based on Defendants' unauthorized  
2 use of the Work.

3 89. The harm caused to Plaintiffs has been irreparable.

4 90. Plaintiffs are entitled to civil penalties, restitution, injunctive relief, and  
5 such other and further relief as may be available under the law.

## 6 VII.

### 7 CYBER NEGLIGENCE

8 91. Plaintiffs incorporate the allegations of above paragraphs of this  
9 Complaint as if fully set forth herein.

10 92. Defendants had a duty to protect Plaintiffs' economic rights.

11 93. Plaintiffs have a cognizable injury as a result of Defendants'  
12 unauthorized use of the Work.

13 94. Defendants' unauthorized use of the Work is the cause of Plaintiffs'  
14 injury.

15 95. Plaintiffs suffered an economic loss due to Defendants' breach of their  
16 statutory and legal duties.

17 96. Defendants' unauthorized collection and use of data constitutes cyber  
18 negligence.

19 97. Defendants' collection and publication of the Work is unauthorized  
20 distribution of biometric data.

21 98. Defendants' unauthorized publication caused Plaintiffs irreparable harm  
22 because once published on the internet, a trace of the Work will always remain on the  
23 internet and could never be truly erased.

24 99. Plaintiffs have been damaged.

25 100. Defendants' unauthorized conduct was a substantial factor in causing  
26 Plaintiffs' harm.

27 101. The harm caused to Plaintiffs has been irreparable.

28

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray that judgment be entered against the Defendants for the following:

A. Defendants and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;

B. Defendants be required to pay Plaintiffs their actual damages and Defendants' profits attributable to the infringement, or, at Plaintiffs' election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;

C. That Plaintiffs be awarded restitution;

D. That Defendants be enjoined from further use of the Work;

E. Plaintiffs be awarded their attorneys' fees and costs of suit under the applicable statutes sued upon;

F. Plaintiffs be awarded pre-judgment interest and post-judgment interest; and

G. Plaintiffs be awarded such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby respectfully request a trial by jury on all appropriate issues raised in this Complaint.

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DATED: December 27, 2023

TARTER KRINSKY & DROGIN LLP

By: /s/ Tyler R. Dowdall

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